

REMARKS

Applicant cancels claims 11-20 and withdraws claims 21-26 such that claims 1-10 and 21-26 remain pending in the present application.

Election/Restriction

The Examiner has identified in the application three groups of claims as follows: Group I (claims 1-10) drawn to a motorcycle classified in class 180, subclass 219; Group II (claims 11-20) drawn to a seat classified in class 297, subclass 195.1; and Group III (claims 21-26) drawn to a method of installing a seat assembly on a motorcycle classified in class 180, subclass 219.

In response to the restriction requirement, Applicant elects to prosecute Group I (claims 1-10) with traverse, withdraws Group III (claims 21-26), cancels Group II (claims 11-20), and respectfully requests reconsideration of the restriction requirement with respect to Groups I and III.

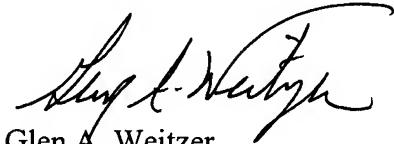
Two criteria must be met for a proper restriction requirement: (1) the inventions must be patentably independent or distinct as claimed, and (2) there must be a serious burden on the Examiner if restriction is not required. See *Manual of Patent Examining Procedure*, § 803.

Even if the two disclosed subjects are independent and distinct, in order for a proper restriction there must also be a serious burden on the patent Examiner if the restriction is required (*M.P.E.P.* § 803). If the search and examination can be completed without a serious burden, the Examiner must evaluate the merits regardless of whether or not two or more independent or distinct subjects are disclosed. Applicant respectfully submits that a serious burden is not placed on the Examiner in searching and examining the claims of Groups I and III together. Applicant notes that the claims of Group I and III are related as being drawn to motorcycle seat assemblies. In fact, the Examiner himself identifies that each of Groups I and III fall within the same subclass (i.e., Group I classified in class 180, subclass 219; and Group III classified in class 180, subclass 219).

Accordingly, Applicant respectfully submits that Groups I and III in the present application can and should be examined together. Particularly in light of the fact that such an examination would not present a serious burden to the Examiner and any restriction would unnecessarily prejudice the Applicant. Applicant hereby requests withdrawal of the restriction requirement of Groups I and III, and examination of Groups I and III on the merits.

The Examiner is invited to contact the undersigned attorney should the Examiner determine that such action would facilitate the prosecution and allowance of the present application.

Respectfully submitted,



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